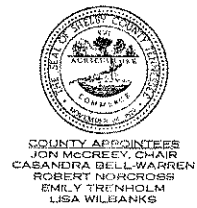


MEMPHIS AND SHELBY COUNTY
LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION • REORGANIZED IN 1978

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL • 125 N. MAIN ST., STE. 400 • MEMPHIS, TENNESSEE 38103 • (901) 576-6619



SCHEDULE

Thursday, July 11, 2013

City Hall, 125 N. Main Street

- | | | |
|-------------|------------------------|-----------------------|
| 9:00 A.M. | EXECUTIVE SESSION | Conference Room A |
| *10:00 A.M. | MORNING PUBLIC SESSION | City Council Chambers |
- Subdivision Correspondence,
Subdivisions, Street & Alley Closures,
Street Dedications, Street Name Changes,
Planned Development & Zoning Correspondence,
Site Plan Reviews, Planned Developments,
Special Use Permits, Zoning Map Amendments
& Zoning Text Amendments, Comprehensive Plan Adoption

NOTE: *Time Approximate

Conflict of Interest Statement:

The adopted policy of the Land Use Control Board requires that any member of the Board recuse himself or herself from any participation in the discussion or voting on any matter on the meeting's agenda in which he or she may have direct or indirect personal interest. The member shall vacate his or her seat during deliberation on any matter from which they have recused themselves. An abstention may substitute for a recusal for the purposes of maintaining a quorum.

General Order in Which Public Hearings Will Proceed:

1. The Chairman will open the Public Hearing by calling the Agenda item number and application Case Number as it appears on the agenda.
2. The OPD staff will explain the nature of the application and will present an analysis of it and the staff recommendation.
3. The applicant and proponents will be heard for a period not exceeding five (5) minutes.
4. The opponents will be heard for a time period not exceeding five (5) minutes.
5. The applicant will be given a two (2) minute period for rebuttal.
6. Board members proceed to discuss the application amongst themselves and may request clarification of certain points from staff or persons in the audience who spoke previously.
7. The Land Use Control Board will then vote to approve, approve in modified form, deny, or continue (hold) the application until a subsequent meeting.
8. The Board Chairman will then inform the audience of the outcome of the Board's action.

RIGHT TO APPEAL:

Any individual or governmental body representative submitting written comments to the Office of Planning and Development prior to the Land Use Control Board Meeting or who is present at the Land Use Control Board Meeting and made a vocal objection may appeal the decision of the Land Use Control Board to the appropriate governing body (i.e. Memphis City Council and/or Shelby County Commission) for an agenda item that otherwise would not go to the governing bodies. These appealable items on today's agenda are listed under the heading "Consent Agenda". The balance of all other items are automatically forwarded to the City Council and/or County Commission for final action.

Appeals should be submitted within 10 working days of the Land Use Control Board action to the Chief Administrative Officer of the City of Memphis (George Little) and/or of Shelby County (Harvey Kennedy) with a copy of same to Josh Whitehead, Director for the Office of Planning and Development (OPD).

If you choose to file an appeal please be aware of the following additional requirements in order to make your appeal valid. The request for an appeal shall: 1) indicate the name and case number of the application; 2) the date of the L.U.C.B. action; 3) the specific decision and/or conditions approved by the L.U.C.B. which are being appealed; 4) your suggested remedy; and 5) the name, address and phone number of the appellant.

Please note that public hearing notification fees of \$50.00 are required to be paid to the City Council Records Office and/or the County Minutes Office, and a \$100 appeal processing fee to OPD. The fees should accompany your letter of appeal copied to OPD.

**Harvey Kennedy, CAO
Shelby County
160 North Main Street
Memphis, TN 38103**

**George Little, CAO
City of Memphis
125 North Main Street
Memphis, TN 38103**

**Josh Whitehead, Director
Office of Planning & Development
125 North Main Street-Suite 468
Memphis, TN 38103**

MISSION STATEMENT

The Memphis and Shelby County Land Use Control Board is the metropolitan area's authority for vision and leadership in land use and planning excellence.

Mission Statement:

The Land Use Control Board, through its leadership, recommends long-term public policies consistent with Smart Growth Strategies and administers the Unified Development Code in order to:

- Protect the community's unique character and sense of place
- Encourage the development of great, vibrant, healthy urban streets, open spaces, public places, and neighborhood
- Establish and maintain a Unifying Civic Vision for Greater Memphis
- Promote economically, environmentally, and fiscally sustainable and responsible use of land in service to the common good.

Guiding Principles:

The Land Use Board's actions are guided by these principle-based values:

- Fairness
- Wise judgment
- Civic passion
- Civility and diplomacy
- Integrity
- Humanity
- Consistency
- Respect for all Memphis and Shelby County Stakeholders

AGENDA

10:00 A.M. MORNING PUBLIC SESSION

- A. ROLL CALL**
- B. APPROVAL OF THE MINUTES**
Minutes from the June 13, 2013 Meeting
- C. SECRETARY'S REPORT**
- D. CONSENT AGENDA**
- E. REGULAR AGENDA**

The first Agenda items comprise the various applications pertaining to land subdivision and zoning to be heard as part of the Consent Agenda. The Board will act on all of these items as a group with one vote subject to the recommendation of the Office of Planning and Development in its Staff Report--rather than vote on each item separately. This also applies to items which otherwise involve a public hearing where notice was sent to adjacent property owners. Such action satisfies the legal requirements for holding a public hearing so long as no one wishes to speak either for or against an item listed as being on the Consent Agenda.

If Board Members or persons in the audience wish to discuss any item, that item is pulled from the others for separate discussion and vote by the Board and the remaining items are voted on as a group. If you desire to speak in regard to an application listed as being part of the Consent Agenda, please come to the podium at the front of the chamber and notify the Board Chairman of the Agenda Item Number after the Consent Agenda and staff recommendation for this morning's applications have been read.

Please fill out an Attendance/Speaker's Card and hand it to an OPD staff member sitting behind the railing in the front of the chamber if you intend to address the Board in regard to any item found on today's Agenda. Cards may be found at the speaker's podium and at the Sergeant At Arms table. If you decide to speak, please start by giving your name and street address, then tell the Board of your concern. If there are several in your area with similar concerns, you may appoint a spokesperson. The Board is particularly interested in the specific reasons you are for or against a proposal.

If you are attending the meeting on a specific agenda item but do not wish to speak it is requested that you nonetheless fill out an Attendance/Speaker's Card so that your attendance may be recorded at the meeting. This is necessary in order to preserve your right to appeal the decision of the Land Use Control Board to the City Council and/or County Commission for applications regarding preliminary subdivision applications and most planned development and zoning correspondence applications on today's agenda.

CONSENT AGENDA
CORRESPONDENCE APPLICATION:

- 1. CASE NUMBER:** **P.D. 89-321**

NAME: **KIRBY RUN PLANNED DEVELOPMENT**
PHASE 1-AREA 'C'

LOCATION: West side of Kirby Parkway @ Kirby Center Cove

APPLICANT: Regions Bank

REPRESENTATIVE: ETI Corporation

PROPERTY SIZE: 1.29 Acres

REQUEST: Minor modification to construct awning for an ATM machine

- 2. CASE NUMBER:** **P.D. 09-306**

NAME: **LAMAR/DAVIDSON PLANNED**
DEVELOPMENT, AMENDED

LOCATION: West side of Highway 78; +/- 325 feet south of intersection with Davidson Road and extending southward to the TN/MS State line

APPLICANT: William B. and Paula F. Crow

REPRESENTATIVE: Crown's Truck Service

AREA: Area A = 13.9

REQUEST: Remove the condition that limits the tractor trailer storage use on this site to two years from the date of approval by City Council

CONSENT AGENDA
CORRESPONDENCE APPLICATION:

3. **CASE NUMBER:** **P.D. 10-305**
- NAME:** **MEMPHIS BUSINESS ACADEMY**
 PLANNED DEVELOPMENT, Amended
- LOCATION:** East side of Overton Crossing; +/-312 feet south of
 Frayser Boulevard
- APPLICANT:** Memphis Business Academy
- REPRESENTATIVE:** Self+Tucker Architects
- AREA:** 7.46 Acres
- REQUEST:** Major modification to Outline Plan to increase the
 maximum front yard setback requirement to a minimum
 setback of thirty(30) feet for construction of a new
 charter elementary school
-
4. **CASE NUMBER:** **P.D. 12-302**
- NAME:** **CRESCENT CENTER PLANNED**
 DEVELOPMENT
- LOCATION:** Southwest corner of Poplar Avenue and Ridgeway Road
- APPLICANT:** Darden Restaurants
- REPRESENTATIVE:** Solomito Land Planning (Brenda Solomito)
- AREA:** 10.18 Acres
- REQUEST:** Permit additional signs for the two free-standing
 restaurants

**CONSENT AGENDA
NEW APPLICATIONS:**

- 5. CASE NUMBER:** **S.E. 13-02**
- LOCATION:** 710 S. Third Street
- APPLICANT:** Derek Ward/Farrell Calhoun Inc.
- REPRESENTATIVE:** Tim McCullough
- AREA:** 4.7 Acres
- REQUEST:** Expand business offices with paint storage warehouse within the south Downtown Business Park
-
- 6. CASE NUMBER:** **S.A.C. 13-605**
- LOCATION:** Coughlin Drive (between Brooks and Stonebrook)
- APPLICANT:** City of Memphis
- REPRESENTATIVE:** Pickering Firm, (Bill Woods)
- AREA:** 2 + Acres
- REQUEST:** Close Coughlin Drive public right-of-way
-
- 7. CASE NUMBER:** **S.D. 13-701**
- LOCATION:** Sandbrook and Stonebrook Avenue near Coughlin Drive
- APPLICANT:** City of Memphis
- REPRESENTATIVE:** Pickering Firm, (Bill Woods)
- AREA:** 0.15 Acres
- REQUEST:** Dedicate portions of Stonebrook and Sandbrook right-of-way

CONSENT AGENDA
DEFERRED APPLICATIONS:

8. **CASE NUMBERS:** **Z 88-103 & Z 09-101**
- NAME:** **RAINES-GRACELAND C-P: Lot 2**
- LOCATION:** Southwest corner of Graceland Drive and E. Raines Road
- APPLICANT:** Robert L. Smith
(d/b/a: Bright Beginnings Enrichment Center)
- REPRESENTATIVE:** Hilsdon Engineering (David W. Hilsdon, P.E.)
- AREA:** 1.80 Acres
- REQUEST:** Modification to reduce required side yard setback of thirty-nine(39) feet to ten(10) feet to increase the maximum building coverage from 16,000 sq. ft. to 18,750 sq. ft. of floor area
9. **CASE NUMBER:** **S.A.C 13-602**
- LOCATION:** Hunt Street; west of Airways Blvd. and Dwight Road
- APPLICANT:** Castalia Baptist Church
- REPRESENTATIVE:** Jerry M. Johnson
- AREA:** 0.19 Acres
- REQUEST:** Close & Vacate Street Right-Of-Way
10. **CASE NUMBER:** **S.A.C. 06-610**
- LOCATION:** Mulberry Street between Linden Avenue and Pontotoc Street
- APPLICANT:** Gary Prosterman
- REPRESENTATIVE:** W. H. Porter Consultants PLLC
- AREA:** 0.343 Acres
- REQUEST:** Time extension (street closure)

REGULAR AGENDA
NEW APPLICATIONS:

11. CASE NUMBER: P.D. 13-315

NAME: KNIGHT ARNOLD AND RIDGEWAY
PLANNED DEVELOPMENT

LOCATION: Northeast corner of Knight Arnold and Ridgeway Road

APPLICANT: New Development, LLC

REPRESENTATIVE: New Development, LLC

AREA: 5.648 Acres

REQUEST: Gas station and other commercial uses

12. CASE NUMBER: P.D. 13-317

NAME: STAGE WEST MALL PLANNED
DEVELOPMENT

LOCATION: 3027 Creek View Drive; 287 feet north of the intersection of Stage Road and Creek View Dr.

APPLICANT: Tower Ventures, LLC

REPRESENTATIVE: Michael J. Fahy

AREA: 3.93 Acres

REQUEST: 185 foot CMCS (cell) tower

REGULAR AGENDA
NEW APPLICATIONS:
(Continued)

13. CASE NUMBER: **P.D. 13-318**

NAME: **FUNERAL HOME, IMPERIAL LOVE 1,**
PLANNED DEVELOPMENT

LOCATION: Northwest corner of McLemore Avenue and S. Wellington Street

APPLICANT: John Love

REPRESENTATIVE: Delinor D Smith

AREA: 1.12 Acres

REQUEST: Funeral services within a residential urban zoning district

14. CASE NUMBER: **P.D. 13-319**

NAME: **FUNERAL HOME, IMPERIAL LOVE 2,**
PLANNED DEVELOPMENT

LOCATION: 1129 Hollywood Street

APPLICANT: John Love

REPRESENTATIVE: Delinor D Smith

AREA: 1.12 Acres

REQUEST: Funeral services and parking within a residential zoning district

**REGULAR AGENDA
NEW APPLICATIONS:
(Continued)**

- 15. CASE NUMBER:** **P.D. 13-321**
- NAME:** **KIRBY GATE BUSINESS CAMPUS
PLANNED DEVELOPMENT, 3RD
AMENDMENT**
- LOCATION:** Northwest corner of Kirby Parkway and Kirby Gate Blvd.
- APPLICANT:** Utley Properties
- REPRESENTATIVE:** Fisher & Arnold, Inc. (David Baker)
- AREA:** 24.32 Acres
- REQUEST:** Permit a free standing commercial building in excess of 3,000 square feet
-
- 16. CASE NUMBER:** **S.U.P. 13-212**
- LOCATION:** 715 Winton Street; 96 feet +/- south of Southern Avenue
- APPLICANT:** TV6 Signal Source Tower, LLC c/o Tower Ventures, LLC
- REPRESENTATIVE:** Michael J. Fahy
- AREA:** 0.34 Acres
- REQUEST:** Construct a one hundred sixty foot (160') CMCS Tower

REGULAR AGENDA
NEW APPLICATIONS:
(Continued)

17. CASE NUMBER: **Z.T.A. 13-003 CC**

LOCATION: The Unified Development Code (Joint Ordinance Resolution 397 and 5367 respectively).

REPRESENTATIVE: Josh Whitehead, Planning Director, OPD

REQUEST: These amendments to Sections of the Memphis and Shelby County Unified Development Code address Recreation Fields with Lights, Off-Site Parking for Places of Worship, Expansion of Uses Permitted under the Old Zoning Code, Vehicle Sales and Leasing, Accessory Uses and Structures to Cemeteries and Funeral Establishments, Outdoor Runs for Animal Shelters, Gas Stations not at Major Intersections, Home Occupations, Covered Porches, Arbors, Pergolas, Trellises, Bay Windows, Building Standards for Group Living, Incorporating FEMA Maps into the Zoning Atlas, Notice for Right-of-Way Dedication and Vacation, Expiration of Approved Special Use Permits, the Administrative Site Plan Review and Use Variance Processes and Other Provisions of the Code.